

TRANSPORTATION SECURITY RULEMAKING ACTIVITIES

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Office of Nuclear Security and Incident Response

2013 NATIONAL TRANSPORTATION STAKEHOLDERS FORUM
Buffalo, NY - May 15, 2013



Security Rulemakings

NRC Actions Since September 11, 2001

- **Interim solution - enhance existing regulations through Security Orders**
- **Objectives of the Orders are enhanced control of material to**
 - **Prevent unauthorized access**
 - **Prevent malevolent use of material**
 - **Mitigate consequences**
- **Orders were issued to licensees that transport:**
 - **Spent Nuclear Fuel**
 - **IAEA Code of Conduct Category 1 and 2 quantities of radioactive material**



Security Rulemakings

NRC Ongoing Activities

- **Orders are an interim measure**
- **Long-term approach is to enhance transport security through public rulemaking**
- **Rulemaking has been finalized for**
 - **SNF Transportation Security**
 - **Physical Protection of Category 1 and 2 radioactive material (both fixed facilities and transportation)**

Security Rulemakings 10 CFR 73.37 and 73.38

Physical Protection of Spent Nuclear Fuel in Transit

- Applicable to SNF shipments >100 grams and >1 Gray/hr @ 1 m unshielded
 - Enhances existing requirements
 - Considers security concepts and lessons learned from past Security Orders
 - Addresses, in part, Petition for Rulemaking from the State of Nevada (PRM-73-10)
- Published May XX, 2013 (78 FR XXXXX)
 - Compliance August XX, 2013
- Includes enhanced requirements for
 - Preplanning and coordination of shipments
 - Notification and communications
 - Control and monitoring of shipments
 - Trustworthiness and reliability of personnel

Federal Register / Vol. 75, No. 197 / Wednesday, October 13, 2010 / Proposed Rules 62695

Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to PDR.Resource@nrc.gov. The draft Part 37 implementation guidance is available electronically under ADAMS Accession Number ML101470684.

Federal Rulemaking Web site: Public comments and supporting materials related to the implementation guidance, including the draft implementation guidance, can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2010-0194. Documents related to the proposed rule can be found by searching on Docket ID NRC-2008-0120.

Discussion

The NRC published a proposed rule that would place the security requirements for use of Category 1 and Category 2 quantities of radioactive material into a new Part 37 of Title 10 of the Code of Federal Regulations. The proposed rule was published on June 15, 2010 (75 FR 33902) and the public comment period runs through October 13, 2010. The public comment period for the proposed rule is being extended to January 18, 2011, by separate notice. Documents related to the proposed rule can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2008-0120.

In conjunction with the proposed rule, the NRC has developed implementation guidance. The implementation document provides guidance to a licensee or applicant for implementation of proposed 10 CFR Part 37, "Physical Protection of Byproduct Material," specifically Category 1 and Category 2 quantities of radioactive material. It is intended for use by applicants, licensees, Agreement States, and NRC staff. The document describes methods acceptable to the NRC staff for implementing proposed 10 CFR Part 37. The approaches and methods described in the document are provided for information only. Methods and solutions different from those described in the document are acceptable if they meet the requirements in proposed 10 CFR Part 37. The guidance is provided in the form of questions and answers on the provisions of the proposed rule. The draft implementation guidance document for proposed 10 CFR Part 37 is available electronically under ADAMS Accession

Number ML101470684, and can also be found at <http://www.regulations.gov> by searching on Docket ID NRC-2010-0194.

On July 14, 2010 (75 FR 40756), the NRC noticed the availability of the implementation guidance for public comment. The public comment period for this guidance was to have expired on November 15, 2010. The NRC received several requests to extend the comment period to January 15, 2011. Due to the size and complexity of the draft implementation guidance and the associated proposed rule, the NRC has decided to extend the comment period until January 18, 2011.

Dated at Rockville, Maryland, this 29th day of September 2010.

For the Nuclear Regulatory Commission.

Mark Thaggard,
Deputy Director, Division of
Intergovernmental Liaison and Rulemaking,
Office of Federal and State Materials and
Environmental Management Programs.

FR Doc. 2010-26784 Filed 10-13-10; 8:45 a.m.

BILLING CODE 7580-01-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

RIN 3150-A164

(NRC-2008-0193)

Physical Protection of Irradiated Reactor Fuel in Transit

AGENCY: Nuclear Regulatory
Commission

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its security regulations pertaining to the transport of irradiated reactor fuel (for purposes of this rulemaking, the terms "irradiated reactor fuel" and "spent nuclear fuel" (SNF) are used interchangeably). This proposed rule would establish generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001. The proposed rule would establish the acceptable performance standards and objectives for the protection of spent nuclear fuel shipments from theft, diversion, or radiological sabotage. The proposed amendments would apply to those licensees authorized to possess or transport spent nuclear fuel. The proposed security requirements would also address, in part, a petition for rulemaking from the State of Nevada (PRM-73-10) that requests that NRC

strengthen the regulations governing the security of spent nuclear fuel shipments against malevolent acts.

DATES: The comment period expires January 11, 2011. Submit comments specific to the information collection aspects of this rule by November 15, 2010. Comments received after this date will be considered if practical to do so, but the NRC is able to assure

consideration only for comments received on or before this date.

ADDRESSES: Please include Docket ID: NRC-2009-0163 in the subject line of your comments. For instructions on submitting comments and accessing documents related to this action, see Section I, "Submitting Comments and Accessing Information" in the SUPPLEMENTARY INFORMATION section of this document. You may submit comments by any one of the following methods.

Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for documents filed under Docket ID: NRC-2009-0163. Address questions about the NRC dockets to Carol Gallagher 301-492-3668; e-mail Carol.Gallagher@nrc.gov.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: Rulemaking.Comments@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966.

Hand deliver comments to: 13555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. during Federal workdays. (Telephone 301-415-1966)

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

FOR FURTHER INFORMATION CONTACT: Cordelia Maspin, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; Telephone 301-415-2312; e-mail: Cordelia.Maspin@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Submitting Comments and Accessing Information

II. Background

III. Objectives for the protection of spent nuclear fuel shipments from theft, diversion, or radiological sabotage. The proposed amendments would apply to those licensees authorized to possess or transport spent nuclear fuel. The proposed security requirements would also address, in part, a petition for rulemaking from the State of Nevada (PRM-73-10) that requests that NRC



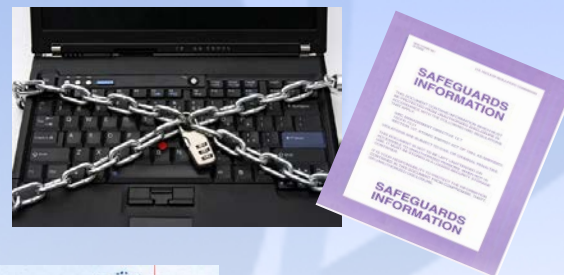
Security Rulemakings

10 CFR 73.37 and 73.38

- **Armed Escorts**
 - Armed escorts along the entire length of the shipment route
- **Procedures, Training and Protection of Information**
- **Background Investigations**
 - Personnel with access to SNF in transit (drivers, train personnel, armed escorts)
 - Movement control center personnel



DOE/OCRWM Photo of PA police walking along side rail shipment





Security Rulemakings 10 CFR 73.37 and 73.38

Rescission Plan for Security Orders

- **Within 90 days after Final Rule Publication**
 - **Issue FRN on rescission**
 - **Send letters to impacted licensees**



Security Rulemakings 10 CFR 73.37 and 73.38



NUREG-0561, Rev. 2

Physical Protection of Shipments of Irradiated Reactor Fuel

Final Report

Office of Nuclear Security and Incident Response

Supporting Guidance

- NUREG-0561, Revision 2
 - ADAMS ML13120A230
 - www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0561/r2
- Notice of issuance to be published in the *Federal Register* shortly after Final Rule



Security Rulemakings

10 CFR Part 37



FEDERAL REGISTER

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No. 53 March 19, 2013

Part II

Nuclear Regulatory Commission

10 CFR Parts 20, 30, 32, et al.
Physical Protection of Byproduct Material; Rule

Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material

- Applicable to IAEA Category 1 and 2 Quantities of Radioactive Material and small quantities of SNF
- Published March 19, 2013 (78 FR 16922)
 - Considered security concepts and lessons learned from past Security Orders
 - Stakeholder feedback from public meetings and comments on draft rule language
- Includes requirements for
 - Background Investigations and Access Authorization Program (Subpart B)
 - Physical Protection During Use (Subpart C)
 - Physical Protection During Transit (Subpart D)



Security Rulemakings

10 CFR Part 37

Implementation of Final Rule

- **March 19, 2014 - Compliance Date for NRC licensees**
- **March 19, 2016 – Date Agreement States must issue requirements compatible with Part 37**
 - **Agreement State licensees will continue to operate under the Security Orders until the Agreement State compatible requirements take effect**



Security Rulemakings

10 CFR Part 37

Implementation of Final Rule (cont.)

- **Rescission Plan for Orders**
 - NRC Security Orders issued to NRC licensees will be rescinded when Part 37 regulations are implemented (March 19, 2014)
 - Orders issued to Agreement State licensees will be rescinded when compatible Agreement State requirements become effective
- **Guidance Document**
 - NUREG–2155, Implementation Guidance for 10 CFR Part 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material”
 - (ADAMS Accession No. ML13053A061)



Security Rulemakings

10 CFR 73.35



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Part II

Nuclear Regulatory Commission

10 CFR Parts 20, 30, 32, et al.
Physical Protection of Byproduct Material; Rule

Requirements for Physical Protection of Irradiated Reactor Fuel (100 grams or less) in Transit

- Published along with Final Part 37
 - March 19, 2013 (78 FR 16922)
 - March 19, 2014 Compliance Date
- Applicable to SNF shipments ≤ 100 grams and >1 Gray/hr @ 1 m unshielded
- Follow requirements for category 1 quantities of RAM in Subpart D of Part 37
- Guidance Document
 - NUREG-2155
 - (ADAMS Accession No. ML13053A061)



Security Rulemakings

Summary

Spent Nuclear Fuel Transport Security Requirements

- **> 100 grams: 10 CFR 73.37 and 73.38**
 - **Published May XX, 2013 (78 FR XXXXX)**
 - **Compliance August XX, 2013**
 - **Guidance Document: NUREG-0561, Rev 2 (ML13120A230)**
- **≤ 100 grams: 10 CFR 73.35**
 - **Published March 19, 2013 (78 FR 16922)**
 - **Compliance March 19, 2014**
 - **Guidance Document: NUREG-2155 (ML13053A061)**



Security Rulemakings

Point of Contact

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